

**RECEIVED
BY MAIL**

MAY X 7 2007

**U.S. DISTRICT COURT
EASTERN DISTRICT OF
ST. LOUIS**

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

Charles Lee Thornton, Plaintiff,

Case No. 4:7CV79-CDP

Vs.

City Of Kirkwood, Defendant.

**Plaintiff's Memorandum In Opposition To
Defendant's Motion For Rule 11 Sanctions**

Plaintiff states:

When talking about Failure to Settle, Plaintiff was unprepared to go forward on the issue under the Title-Failure to Settle. At no time was Failure to Settle a claim, just a title to remind the Defendant of its opportunity to end this matter, which was and is a 42 USC section 1983 claim, that related to charged Kirkwood municipal ordinance that were proven to not only be unwarranted, but had to be Malice in charging and pursuing prosecuting the charges, as the judge agreed, yet in the attempts to get the Missouri Court system to enforce the Federal statute 42 USC section 1983, ended with the Missouri Supreme Court: Irwin M. Roitman, P.C. #28219 filed an incorrect original Petition in many ways and then requested and received release from his duty-03CC3926; amendment was made, the Judge would not enforce 42 USC section 1983-03CC3926; Plaintiff needed to file in Western District of Missouri, United States District Court, to receive from the Missouri Supreme

Court the prepaid transcripts 4:04CV18; appealed 03CC3926 to Missouri Supreme Court SC85949 and jurisdiction was questioned by the Missouri Supreme Court Justice, transferred-ED84580; Instead of retransfer for lack of jurisdiction of Court of Appeals, the appeals court proceeded and would not enforce the Federal statute 42 USC section 1983-ED84580; and, then the Missouri Supreme Court accepted the case from lack of jurisdiction of Missouri Court of Appeals, yet would not enforce statute 42 USC section 1983-SC87494. Plaintiff in future will seek Federal court action of the said 1983 claim. Plaintiff was unprepared because he had no belief that Defendant would DIRECT COMTEMPT of your Honor's order, by speaking on the content of any offers or, demands to the Court that were had at the Meeting of Counsel, (pg 2 Meetings of Counsel Order Setting Rule 16 Conference). If any Rule 11 sanctions should be requested, they should be upon Defendant for the Contempt of Court, because all the twisted affairs within Defendant's Motion and Memorandum for sanctions are based on the act of Defendant speaking on issues ordered not to speak upon, and adding misleading, untrue, and incomplete statements, and representations, (within Defendant's Motion for Rule 11 Sanctions and within Defendant's Memorandum In Support of Motion For Rule 11 Sanctions). At no time has Plaintiff gone beyond any of the set deadlines to act, as an attempt to prolong this case. Nor

has Plaintiff written or said any words to prolong the case. Nor has Plaintiff performed any act to harass or cause needless cost, remember Plaintiff offered Settlement and Defendant did not. Nor has Plaintiff pursued or filed any frivolous pleadings or acted in bad faith.

When talking about the two Kirkwood charged municipal ordinance Violations of Section 17-30 in cause numbers 06CR-4927 and 06CR-4926, Defendant should have known since April 12th 2007 causes are on appeal under ED89560, and that such issues were not and are not final Judgments.

When talking about the load of Kirkwood municipal ordinance violations charged and then brought at one event, will be taken back to court upon the separate event each were, and upon the factual evidence of merit as Plaintiff's constitutional right of redress even if that means, seeking Federal Filing for the jurisdictional redress and relief due under the laws (statutes and rules) that apply, (see SC87157).

Plaintiff in good faith and pursuit of justice through U.S. Constitutional rights and laws through the process he believes he is entitled for the relief he believes he is entitled, against the City of Kirkwood and the Cohort.

The Federal court system has yet to fully hear, see and weigh the Factual evidence and merit of the issue before the jurisdiction of the Court; and of the other issue to be placed upon the federal court jurisdiction for process of

jurisprudence.

Plaintiff merely seeks complete process and proper enforcement of the laws that apply in the case under federal procedures. Plaintiff believes if Court allows case to go to completion by denying Defendants request, Plaintiff may be killed.

WHEREFORE, Plaintiff prays this Court will enter and dismiss all attempts (Defendant's Motion For Rule 11 sanctions) by defendant to avoid a full and complete hearing, seeing and weighing of the factual evidence in support of plaintiff claims as they apply to the case under jurisdiction of the Honorable Court for judicial decision.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Charles Lee Thornton", with a long horizontal flourish extending to the right.

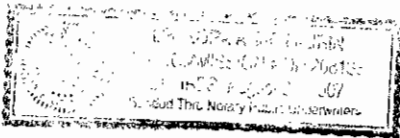
Charles Lee Thornton
351 Attucks St.
Kirkwood, Mo. 63122
Date: 5-2-07

Verification

I, Charles Lee Thornton, Plaintiff in the above-entitled action, being first duly sworn, state that I have read and subscribed to the forgoing statements, and that the facts set forth therein are true and correct.


Charles Lee Thornton

Subscribed and sworn to before me on 5/2/07



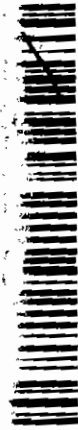

Signature and title

Certification

I, Charles Lee Thornton state that a copy has been sent via U.S. mail postage prepaid to Jami L. Boyles of Lewis, Rice & Fingersh L.C. at 500 North Broadway Suite 2000, St. Louis, Missouri 63102.


Charles Lee Thornton

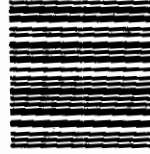
Print Postage Online - Go to www.usps.com



7007 0220 0002 7846 5123 PLEASE PRESS FIRMLY
7007 0220 0002 7846 5123 PLEASE PRESS FIRMLY



U.S. POSTAGE
PAID
ST. PETERSBURG, FL
33711
MAY 02, '07
AMOUNT



\$6.45
00059794-22

0000

63102

PRIORITY MAIL

UNITED STATES POSTAL SERVICE

**TRY FREE
CARRIER PICK-UP
at usps.com/pickup**

www.usps.com

From:



PRIORITY MAIL
UNITED STATES POSTAL SERVICE

From
Charles Lee Thornton
351 ATTOLUES ST.
PICKWOOD, MO. 63122

www.usps.com

DELIVER
MAY 17 2007

U.S. POSTAGE
PAID
ST. PETERSBURG, FL
33711
MAY 02, '07
AMOUNT

TO Clerk office U.S. District Court
111 South 10th ST.
ST. Louis MO, 63102

Label 228, February 2008

▲ Complete address information or place label here ▲

We Deliver.

COMPLETE ADDRESS AREA
Type or print return address and addressee information

2. PAYMENT METHOD
Affix postage or meter strip to area indicated in upper right hand corner.

3. ATTACH LABEL (Optional)
Remove label backing and affix in designated location.

4. Bring your Priority Mail package to a post office, present it to your letter carrier.

This packaging is the property of the U.S. Postal Service and is provided solely for use in sending Priority Mail. Misuse may be a violation of federal law. © EP14F January 2006 USPS ALL RIGHTS RESERVED